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FILED  
Clerk  
District Court

MAR 27 2008

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

11 Attorneys for Plaintiff  
12 U.S. EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION  
14

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS

12 U.S. EQUAL EMPLOYMENT  
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 v.

16 99 CENTS SUPERMARKETS,  
17 INCORPORATED, d/b/a, 99 CENTS  
18 SUPERMART, INCORPORATED and  
19 99 CENTS SUPERMARKETS, and  
20 DOES 1-10, Inclusive,

21 Defendants.

Case No.: CV 08 - 0019

COMPLAINT - CIVIL RIGHTS /  
EMPLOYMENT  
DISCRIMINATION  
Sexual Harassment  
Retaliation

(42 U.S.C. §§ 2000e, *et seq.*)

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices. The United States Equal Employment Opportunity Commission ("Plaintiff" or "Commission") alleges that Defendants 99 Cents Supermarket, Inc., dba, 99 Cents Supermart, Inc. and 99 Cents Supermarket, and Does 1 - 10 ("Defendants")

1 subjected Charging Party Luzviminda Francisco and other similarly situated  
2 individuals to sexual harassment on the basis of sex, female, resulting in a hostile  
3 work environment. The Commission also alleges that Defendants retaliated  
4 against Luzviminda Francisco for participating in the protected activities of  
5 complaining about, opposing or participating in the investigation of sexual  
6 harassment.

7 **JURISDICTION AND VENUE**

8       1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
9 1331, 1337, 1343, and 1345.

10      2. This action is authorized and instituted pursuant to Section 706(f)(1)  
11 and (3) and Section 707 of Title VII of the Civil Rights Act of 1964, as amended,  
12 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights  
13 Act of 1991, 42 U.S.C. § 1981a.

14      3. The employment practices alleged to be unlawful were committed  
15 within the jurisdiction of the United States District Court for the District of the  
16 Northern Mariana Islands.

17 **PARTIES**

18      4. Plaintiff, United States Equal Employment Opportunity Commission,  
19 is the federal agency charged with the administration, interpretation, and  
20 enforcement of Title VII, and is expressly authorized to bring this action by  
21 Section 706(f)(1) and (3) and Section 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1)  
22 and (3).

23      5. At all relevant times, Defendants have been continuously doing  
24 business in Saipan and in the jurisdiction of the United States District Court of the  
25 Northern Mariana Islands. At all relevant times, Defendants have continuously  
26 employed fifteen (15) or more persons.

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1       6. At all relevant times, Defendants have continuously engaged in an  
2 industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of  
3 Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

4       7. Plaintiff is ignorant of the true names and capacities of Defendants  
5 sued as Does 1 through 10, inclusive. Therefore, Plaintiff sues said Defendants by  
6 such fictitious names. Plaintiff reserves the right to amend the complaint to name  
7 the Doe Defendants as they become known. Plaintiff alleges that each of the  
8 Defendants named as Doe Defendants was in some manner responsible for the acts  
9 and omissions alleged herein and Plaintiff will amend the complaint to allege such  
10 responsibility when Plaintiff has ascertained the identity of the Doe Defendants.

11       8. It is further alleged on information and belief that the named and  
12 unnamed Defendants in this complaint are alter egos, joint employers, and/or  
13 integrated enterprises of each other.

14        9. All of the acts and failures to act alleged herein were duly performed  
15 by and attributable to all Defendants, each acting as successor, agent, employee, or  
16 under the direction and control of the others, except as otherwise specifically  
17 alleged. The alleged acts and failures to act were within the scope of such agency  
18 and/or employment, and each Defendant participated in, approved and/or ratified  
19 the other Defendants' unlawful acts and omissions alleged in this complaint.  
20 Whenever and wherever reference is made in this Complaint to any act by a  
21 Defendant or Defendants, such allegations and reference shall also be deemed to  
22 mean the acts and failures to act of each Defendant acting individually, jointly,  
23 and/or severally.

## **STATEMENT OF CLAIMS**

25        10. More than thirty days prior to the filing of this lawsuit, Luzviminda  
26 Francisco filed a charge with the Commission alleging that Defendants violated  
27 Title VII. The Commission investigated and issued a Letter of Determination. The  
28 Commission found that Defendants subjected Luzviminda Francisco and other

1 similarly situated employees to a hostile work environment on the basis of sex,  
2 female. The Commission also found that Defendants retaliated against  
3 Luzviminda Francisco for participating in a protected activity, complaining about,  
1 opposing or participating in the investigation of sexual harassment.

5       11. Since at least October 2004, Defendants have engaged in unlawful  
6 employment practices and in a pattern of such practices in violation of Section 703  
7 and 707 of Title VII, 42 U.S.C. § 2000e-2. Defendants subjected Luzviminda  
8 Francisco and other similarly situated employees to sexual harassment resulting in  
9 a sexually hostile work environment. The sexual harassment included, but was not  
10 limited to, sexually charged and/or suggestive speech and/or conduct such as  
11 unwelcome physical touching when the store manager repeatedly slapped female  
12 employees on their buttocks either with his hand or with a textile tube.

13       12. The effect of the practices complained as described above has been to  
14 deprive Luzviminda Francisco and other similarly situated employees of equal  
15 employment opportunities and otherwise adversely affect their status as  
16 employees, because of their sex, female.

17       13. Since at least November 2005, Defendants have engaged in unlawful  
18 employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. §  
19 2000e-3(a)(1). When Luzviminda Francisco engaged in the protected activity of  
20 opposing or participating in the investigation of sexual harassment by complaining  
21 about the sexual harassment and/or Defendants' practices, policies, and procedures  
22 dealing with sexual harassment, Defendants retaliated against her. The retaliation  
23 included, but was not limited to, the failure to renew Luzviminda Francisco's  
24 employment contract and other adverse actions.

25       14. The effect of the practices complained about, as described above, has  
26 been to deprive Luzviminda Francisco of equal employment opportunities and  
27 otherwise adversely affect her status as an employee because she engaged in  
28 protected activities under Title VII.

1           15. The unlawful employment practices described in paragraphs 10  
2 through 14 above were intentional.

3        16. As a direct and proximate result of the acts of Defendants, as  
4 described above, Luzviminda Francisco and the similarly situated employees have  
5 suffered pain and suffering, inconvenience, loss of enjoyment of life, humiliation  
6 and damages, all to be proven at trial.

7        17. As a direct and proximate result of Defendants' acts as described  
8 above, Luzviminda Francisco and the similarly situated employees suffered a loss  
9 of earnings in an amount to be proven at trial.

10        18. The unlawful employment practices described above were done with  
11 malice or with reckless indifference to the federally protected rights of Luzviminda  
12 Francisco and the similarly situated employees.

## PRAYER FOR RELIEF

14 Wherefore, the Commission respectfully requests that this Court:

15       A.     Grant a permanent injunction enjoining Defendants, their respective  
16 officers, successors, assigns, agents, and all persons in active concert or  
17 participation with them, from engaging in any employment practices, including  
18 sexual harassment and a sexually hostile work environment, which discriminate on  
19 the basis of sex:

20        B.     Grant a permanent injunction enjoining Defendants, their respective  
21 officers, successors, assigns, agents, and all persons in active concert or  
22 participation with them, from retaliating against any employee who opposes  
23 discrimination or engages in any protected activity under Title VII;

24 C. Order Defendants to institute and carry out policies, practices, and  
25 programs which provide equal employment opportunities, and which eradicate the  
26 effects of its past and present unlawful employment practices;

27 D. Order Defendants to make whole Luzviminda Francisco and the  
28 similarly situated employees by providing the appropriate back pay with

1 prejudgment interest, and front pay in amounts to be determined at trial, other past  
2 and future pecuniary losses, and/or other affirmative relief necessary to eradicate  
3 the effects of Defendants' unlawful employment practices;

4 E. Order Defendants to make whole Luzviminda Francisco and the  
5 similarly situated employees by providing compensation for past and future non-  
6 pecuniary losses resulting from the unlawful practices complained as described  
7 above, including, but not limited to pain and suffering, inconvenience, loss of  
8 enjoyment of life, and humiliation, in amounts to be determined at trial;

9 F. Order Defendants to pay Luzviminda Francisco and the similarly  
10 situated employees punitive damages for its malicious and /or reckless conduct as  
11 described above, in amounts to be determined at trial;

12 G. Grant such further relief as the Court deems necessary and proper in  
13 the public interest; and

14 H. Award the Commission its costs of this action.

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1                   **JURY TRIAL DEMAND**

2                   The Commission requests a jury trial on all questions of fact raised by  
3 its complaint.

4                   RONALD S. COOPER  
5 General Counsel

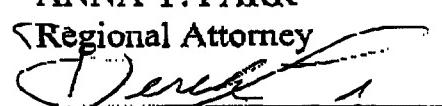
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8                   GWENDOLYN YOUNG REAMS  
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12 1801 L Street, N.W.  
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14                  Date: March 36, 2008

15                  BY:

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